

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA MOBILITY  
LLC, and GENERAL INSTRUMENT  
CORPORATION,

Defendants.

No. C10-1823-JLR

NON-PARTIES NOKIA  
CORPORATION AND NOKIA  
INC.'S RENEWED MOTION FOR A  
LIMITED SEALING ORDER

NOTE ON MOTION CALENDAR:  
Friday, September 6, 2013

Pursuant to Local Rule CR 5(g), non-parties Nokia Corporation and Nokia Inc. (collectively, "Nokia") hereby respectfully request that this Court grant this Renewed Motion for a Limited Sealing Order. This motion is necessary to prevent the disclosure of Nokia's highly-sensitive and confidential business information during the course of this litigation. Two documents containing Nokia's confidential information appear on the Parties' Updated Joint Trial Exhibit List, filed August 25, 2013 (Dkt. No. 871):

- Trial Exhibit 2798, entitled "Cellular Essential Properties Cross License Agreement between Motorola and Nokia Corp.," dated 5/17/00 and labeled as MOTM\_WASH1823\_0025091-MOTM\_WASH1823\_0025144; and
- Trial Exhibit 2835, entitled "Amended and Restated Cellular Essential Properties Cross License Agreement between Motorola and Nokia Corp.," dated 7/15/10 and labeled as MOTM\_WASH1823\_0024952-MOTM\_WASH1823\_0025013.

1 In response to the inclusion of these same documents on the parties' initial Trial Exhibit  
 2 List, Nokia filed a Motion for a Limited Sealing Order requesting that this Court issue an order  
 3 requiring the parties to file any exhibits containing Nokia's confidential business information  
 4 under seal, or, alternatively, to redact Nokia's confidential business information from the  
 5 documents with Nokia's input prior to their admission at trial. Nokia further requested that this  
 6 Court issue an order sealing the courtroom when any such Nokia confidential information was  
 7 discussed at trial or take other appropriate steps to ensure that Nokia's confidential information  
 8 did not become public (Dkt. No. 547). In an order dated November 12, 2012, this court set forth  
 9 a method for admitting confidential patent license agreements and related testimony in court  
 10 proceedings in this matter, finding that such documents would not be broadcast through  
 11 courtroom monitors open to public view (Order, Dkt. No. 567).

12  
 13 Nokia was not informed of the potential introduction of its trade secret and confidential  
 14 business information at this trial until August 26, 2013, when the Joint Trial Exhibit List became  
 15 publicly available (Dkt. No. 871). Because these documents contain highly sensitive and  
 16 confidential licensing information, and because of the potential harm to Nokia based on the  
 17 potential introduction of the above-referenced documents, Nokia hereby renews its motion for a  
 18 limited sealing order.

19 The legal and factual bases supporting Nokia's Renewed Motion are the same as those  
 20 that were previously briefed in this case (Dkt. No. 547). Nokia hereby adopts its prior motion in  
 21 this action, as well as the declaration of Paul Melin in support of that motion, by reference (*id.*).  
 22 For the same reasons considered in granting-in-part the parties' and non-parties' motions to seal  
 23 confidential patent license information in its November 2012 order, this Court should now grant  
 24 Nokia's renewed motion to seal these extremely sensitive patent license agreements. *See also*  
 25 *Apple Inc. v. Samsung Elecs. Co., Ltd.*, --- F.3d ---, Nos. 2012-1600, -1606, 2013-1146, 2013  
 26 WL 4487610 (Fed. Cir. Aug. 23, 2010) (overturning district court's refusal to seal the parties'  
 27 financial information in part because the parties could suffer competitive harm if the information  
 28 were made public).

1 Trial Exhibits 2798 and 2835 contain Nokia trade secrets and confidential patent  
 2 licensing information, and Nokia will be subject to the potential for great competitive harm if  
 3 these documents are publicly disclosed. Therefore, Nokia respectfully renews its motion to seal  
 4 these documents, or, in the alternative to require the parties to redact Nokia's confidential  
 5 information from them with input from Nokia prior to their admission, as well as its motion to  
 6 seal the courtroom when these documents are discussed or to take other steps to make sure that  
 7 the confidential contents of these documents are not publicized. To the extent that the parties to  
 8 this case seek to introduce any further documents containing Nokia confidential business  
 9 information, Nokia requests that this court notify Nokia of such documents and take the same  
 10 steps to protect Nokia's confidential information.

11 DATED this 27th day of August, 2013.

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**ATTORNEY CERTIFICATION**

Pursuant to Local Rule CR 5(g)(3)(a), the undersigned certifies that counsel for non-parties Nokia Corporation and Nokia Inc. have met and conferred with counsel for the parties in an attempt to reach agreement on the need to file the documents in question under seal, to minimize the amount of material filed under seal, and to explore redaction and other alternatives to file under seal. Specifically, counsel met and conferred with respect to the documents referenced in this Renewed Motion for a Limited Sealing Order on the following dates and in the following manners:

On August 27, Matthew Justus, outside counsel for Nokia Corporation and Nokia Inc., conferred with Shane Cramer, outside counsel for Microsoft, and Brian Cannon, outside counsel for Motorola by e-mail concerning the potential use of Nokia's confidential materials, including trial exhibit numbers 2798 and 2835, at trial, and concerning Nokia's interest in keeping the contents of these documents confidential at all times during the trial.

s/ Matthew D. Justus

Matthew D. Justus, GA Bar # 354555

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2013, I electronically filed the foregoing with the Clerk of the Court using the e-filing system which will send notification of such filing to the persons listed below:

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1 DATED this 27<sup>th</sup> day of August, 2013.

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